

REMARKS

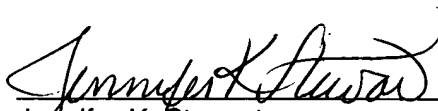
The Examiner allowed claims 1 – 13 and 31 – 41, rejected independent claim 14 under 35 U.S.C. §102 as being anticipated by Kong (US2002/0067761), and objected to claims 15 – 30 for depending on a rejected base claim. According to the information printed on the face of Kong, Kong was filed 1 December 2000 and published 6 June 2002. According to the §1.131 declaration submitted herewith, the inventor of the present application conceived of the invention claimed in the present application no later than about 12 October 2000, and the application was pursued with reasonable diligence through filing of the application on or about 31 August 2001. Therefore, the inventor of the present application conceived of his invention before the §102(e) effective filing date of Kong and pursued the idea with reasonable diligence until the constructive reduction to practice associated with the filing in 31 August 2001. Under §102(e) and MPEP §715, the Kong patent cannot qualify as prior art. It necessarily follows that all rejections based on Kong are therefore improper. Applicant therefore submits that claim 14 and any claims depending therefrom, define patentable subject matter over the cited art.

In light of the above remarks, Applicant respectfully requests that the Examiner withdraw the rejection cited against independent claim 14 and issue a notice of

allowance for claims 1 – 41. If any issues remain, Applicant requests that the Examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

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